502. Much of Government's role in a democratic society arose from the need to regulate competing claims to property among individuals and groups. Governments should promote the creation of assets and the acquisition of property by individuals to produce a social climate of hope and opportunity in which ambitious persons engage in constructive pursuits to the benefit of all of society.

503. All Member States must observe the principles and standards contained in article 28 of the Universal Declaration of Human Rights which states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

504. The most effective implementation of human rights requires domestic commitment. The routine provision of remedies by the local courts, administrative tribunals and other organs of authority should become the most effective guarantee, among others, of this particular right.

Notes

1/ Hugo Grotius, "De Jure Belli ac Pacis", Libri Tres, vol. II. Oxford Clarendon Press and London, Humphrey Milford, 1925, p. 186.

2/ Ibid. pp. 189-190.

3/ John Locke as quoted in MacFarlane L.J., The Theory and Practice of Human Rights. Maurice Temple Smith, London, 1985, p. 993.

4/ Federalist Paper No. 10, p. 78.

5/ E. Johnson, The Foundation of American Economic Freedom. 1973, pp. 191-192.

6/ See Michael W. McConnell, Contract Rights and Property Rights: A Case Study of the Relationship between individual Liberties and Constitutional Structure. In California Law Review, vol. 76, No. 2, March 1988, p. 270.

7/ The New Encyclopedia Britannica, vol. 26, 15th edition, Chicago.

8/ Dr. Justino Jiménes de Aréchaga. "The background to article 17 of the Universal Declaration". In Journal of the International Commission of Jurists, vol. III. No. 2, December 1967, pp. 34-39.

9/ For more details, see Jiménes de Aréchaga's article cited above.

10/ For a summary of the proceedings relating to the inclusion or an article on the right to own property in either Covenant, see Official Records of the General Assembly, Tenth Session, Annexes, agenda item 28, part II, chap. VIII, paras. 195-212, and Official records of the Economic and Social Council, eighteenth session, Supplement No. 7 (E/2573, paras. 40-71).

11/ For the comments contained in this paragraph and the following paragraph, see: Subbash C. Jain and Dunita T. Chhabra, "Human rights instruments and states of right to property", Indian Journal of International Law, Notes and Comments, pp. 250-253.

12/ Document of the Bonn Conference on Economic Cooperation in Europe convened in accordance with the relevant provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Cooperation in Europe, Bonn, 1990, p. 25.

13/ Müller v. Austria (5849/72) DR 1, 46.*

14/ Marckx v. Belgium (6833/74) Report: 10 December 1977.

15/ X v. Austria (8003/77) Report: 3 EHRR 285.

16/ X v. Federal Republic of Germany (8363/78) DR 20, 163.

17/ X v. Federal Republic of Germany (8410/78) DR 18, 216.

18/ Harrikisson v. Attorney-General [1979] 3 WLR 62 (on appeal from Trinidad and Tobago).

19/ Shah v. Attorney-General [1970] EA 523.

20/ See para. 1 (h) of art. 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

21/ Document of Bonn Conference, op. cit., p. 25.

22/ Avery Joyce James, World Labour Rights and their Protection. Croom Helm, 1980, p. 64.

23/ The right to adequate housing: working paper submitted by Mr. Rajindar Sachar, Expert appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/15, paras. 17, 19).

24/ See Landor Walter Savage, "Aristoteles and Callisthenes", Imaginary Conversations (1824-53).

25/ E/CN.4/1992/S-1/9, paras. 7-26.

---

* References 13-14 were reproduced from Sieghart Paul, The International Law of Human Rights, Clarendon Press, Oxford, 1983, p. 254.

26/ Displacement in former Yugoslavia. Emergency report. UNHCR, 13 July 1992, p. 6.

27/ See: Time, 21 September 1992.

28/ See Roger Plant, "Human Rights and Rural Development: Problems and Policy Issues" in Human Rights in Domestic Law and Development Assistance Policies of the Nordic Countries. Lars Adam Rehof and Claus Gulmann, eds. Martinus Nijhoff Publishers, Dordrecht, Boston, London, 1989, p. 98.

29/ Ibid., p. 99.

30/ E/CN.4/Sub.2/1991/17, paras. 176-178.

31/ See On property rights and privatization in the transition economies. United Nations Economic Commission for Europe. Geneva, May 1992, pp. 63-66.

32/ Ibid., pp. 63-64.

33/ See The First Twenty Years. Progress Report of the Committee on the Elimination of Racial Discrimination. United Nations, New York, 1991, pp. 55-56; see also, for example, the report of the Committee A/46/18, paras. 56, 99, 106, 161, 191, 202, 270.

34/ A/46/18, ibid.

35/ The First Twenty Years, op. cit., p. 56.

36/ HRI/GEN/1, para. 5.

37/ Ibid., paras. 8-9.

38/ For details see Rosalyn Higgins, "The taking of property by the State: recent developments in international law". In Recueil des cours. Collected courses of the Hague Academy of International Law, 1982, III, Tome 176, 1983, Martinus Nijhoff Publishers, The Hague, Boston, London, pp. 363-375.

39/ For more details see Egypt's reply in A/45/523.

40/ HRI/GEN/1, para. 19.

41/ See "On Property Rights and Privatization in the Transition Economies", United Nations Economic Commission for Europe, Geneva, May 1992 and Chapter 6 "The Economic Survey of Europe in 1991-1992", United Nations, New York.

42/ Schmidt, Klaus M. and Schnitzer, Monica. Privatization and Management Incentives in the Transition Period in Eastern Europe. In "European Economic Review", vol. 37, Nos. 2/3, April 1993, pp. 264, 267, 268.

43/ See Annual Report 1991 of the Inter-American Commission on Human Rights, Washington, D.C., p. 238.

44/ The Elements of Industrial Property, WIPO/IP/ACC/86/1, paras. 15-27.

45/ The Gestation, Life and Death of a Patent, BLTC/5.Rev., paras. 28-41.

46/ Ibid., paras. 29-31.

47/ Other Elements of Industrial Property, WIPO, ISIP/86/4, paras. 3-7.

48/ The Elements of Industrial Property, WIPO/IP/ACC/86/1/, paras. 19-21.

49/ D. de Freitas, "The Main Features of Copyright Protection in the Various Legal Systems", WIPO/CR/KL/86/5, pp. 1-4.

50/ Infrastructure for the Implementation of Copyright, WIPO/CR/ZOMBA/85/3, paras. 8-9, 10-14, 17, 20, 26-30, 41, 42-43, 52-59, 61-65.

51/ Roger Plant, "Human Rights and Rural Development: Problems and policy issues" op. cit., p. 97.

52/ A/45/523, pp. 43-44.

53/ A/43/739, p. 51.

54/ Official Gazette, 5 August 1974. Supplement, p. 2

55/ Annual Report, 1991. Inter-American Commission on Human Rights, Washington, D.C., p. 238.

56/ See E/CN.4/Sub.2/1992/15 and E/CN.4/Sub.2/1993/15.

57/ A/45/523, p. 31.

58/ E/CN.4/Sub.2/1992/15, para. 24.

59/ T. Kawakita, "Housing Conditions of Japan Workers", Japan Labour Bulletin (Tokyo) 27(10), October 1988.

60/ See David Heald, "The United Kingdom: privatization and its political context", West European Policies, 1988:4, pp. 31-48.

61/ See L. Levandowski and L. Szomburg, "Property reform as a basis for social and economic reform", Communist Economies, 1989, N 3.

62/ See Baroness Elles, Study of International Provisions Protecting the Human Rights of Non-Citizens (United Nations publication (E.80.XIV.2), New York.

63/ Ibid., paras. 263-264.

64/ Treaty of Friendship and Commerce between the United States and the Federal Republic of Germany, 29 October 1954.

65/ Treaty between the United States and Ireland, 1950.

66/ Ibid., para. 268.

67/ See Rosalyn Higgins, "The taking of property by the State: recent developments in international law", op. cit., pp. 363-375.

68/ See C.F. Amerasingue, "Issues of compensation for the taking of alien property in the light of recent cases and practice", International and Competitive Law Quarterly, vol. 41, part 1, January 1992, p. 31.

69/ A/43/739, p. 43.

70/ See Bina Agarwal, "Women and Land Rights in India", The Journal of Peasant Studies, vol. 15, No. 4, July 1988, pp. 536-537.

71/ Ibid., pp. 570-571.

72/ Bina Agarwal, Rural Employment Policy, ILO, Geneva, 1990, p. 39.

73/ Ibid., p. 40.

74/ A/45/523, pp. 24-25.

75/ A/43/739, p. 29.

76/ A/45/523, p. 13.

77/ E/CN.4/1992/42, paras. 5, 12, 14.

78/ R. Plant, "UN Inter-Agency Technical Consultation and Tribal Peoples", 2nd edition, Geneva, 1991, p. 8.

79/ Ibid., pp. 10-11.

80/ A/45/523, pp. 9-10.

81/ Annual Report, 1991, Inter-American Commission on Human Rights, Washington, D.C., p. 238.

82/ Text reproduced from Handbook of Existing Rules pertaining to Human Rights in the Inter-American system OAS/Ser.L/V/11.60 - 1 September 1983, pp. 31-58.

83/ Council of Europe, European Treaty Series No. 9.

84/ Euardo Novoa Monreal, El Derecho de Propiedad Privada, Editorial Temis Librería, Bogotá, Colombia, 1979, pp. 54-56.

85/ E/CN.4/1992/S.1/9, pp. 2-5.

86/ See Rosalyn Higgins, The Taking of Property by the State, op. cit., pp. 372-375.

87/ Kissan and Leach, "Sovereign Expropriation of Property and Abrogation of Concession Contracts", 28 Fordham Law Review (1959), 179-219.

88/ Hungarian Rules in Law in Force, N II/16, 1991, pp. 1127-1145.